

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Misc. Case No. 7:24-MC-2-KS**

MARC COHODES, an individual,

Movant,

v.

RODDY BOYD, an individual,

Respondent.

**MARC COHODES’S MOTION TO TRANSFER MOTION TO COMPEL NON-PARTY
RODDY BOYD TO UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
Fed. R. Civ. P. 45(f)**

Pursuant to Rule 45(f) of the Federal Rules of Civil Procedure, Marc Cohodes moves this Court for an order transferring Cohodes’s Motion to Compel Non-Party Roddy Boyd to Comply with Subpoena [D.E. #1] to the United States District Court for the Northern District of California. In support of this motion, Cohodes states as follows:

1. Cohodes has filed a motion to compel non-party Roddy Boyd to respond to a subpoena served by Cohodes on Boyd in connection with the case *Cohodes v. MiMedx Group, Inc., et al.*, No. 3:22-CV-00368 (N.D. Cal.) (“the California Litigation”). The California Litigation has been pending since January 2022 and involves four defendants located in Canada, Bermuda, and Georgia. N.D. Cal. Case No. 3:22-CV-00368, Dkts. 1, 117. Each defendant moved to dismiss or strike Cohodes’s complaint on various grounds in 2022, *id.* Dkts. 13, 49, 51, 52, and at least two defendants will again move to dismiss or strike Cohodes’s first amended complaint in the coming weeks. *Id.* Dkts. 113, 120 .

2. Cohodes has subpoenaed Boyd for documents relevant to proving that defendant Derrick Snowdy illegally recorded Cohodes's phone calls at the direction of defendants Daniel Guy and Harrington Global Opportunities Fund, which is owned by Guy. These documents include communications exchanged between Snowdy and Boyd concerning Snowdy's recording of Cohodes's calls, and Snowdy's relationship with Guy.

3. Despite engaging in more than a year of jurisdictional and general discovery in the California Litigation, Snowdy has refused to produce a single document and Cohodes has been forced to seek intervention from the Issuing Court on three occasions. Each time, the Issuing Court has addressed Snowdy's shifting rationales for his refusals to produce documents.

4. Because of Snowdy's obstruction, Cohodes is forced to move to compel Boyd to produce documents. To succeed, Cohodes will need to demonstrate that he has been unable to obtain the documents from other sources—here, defendant Snowdy. Exceptional circumstances warrant transferring the motion to compel to the Issuing Court because that court has thrice addressed Cohodes's efforts to obtain documents from Snowdy, and is otherwise familiar with the underlying issues in the case.

5. Transfer is also warranted because Boyd—a journalist whose work spans national borders—will suffer no undue burden litigating in the Northern District of California, where the assigned magistrate judge regularly holds telephonic hearings.

6. As set forth in detail in the accompanying Memorandum of Law in support of this motion to transfer, Cohodes's motion to compel Boyd's compliance with Cohodes's subpoena should be transferred to the Issuing Court.

WHEREFORE, Cohodes respectfully requests that the Court enter an order transferring Cohodes's Motion to Compel Non-Party Roddy Boyd to Comply with Subpoena to the United

States District Court for the Northern District of California pursuant to Rule 45(f) of the Federal Rules of Civil Procedure.

This the 17th day of January, 2024.

Respectfully submitted,

/s/ George F. Sanderson III

George F. Sanderson III
N.C. Bar No. 33055
THE SANDERSON LAW FIRM PLLC
P.O. Box 6130
Raleigh, NC 27628
Telephone: (984) 867-3900
george@georgesandersonlaw.com

and

Leah Judge
CA Bar No. 302406
THE NORTON LAW FIRM PC
299 Third Street, Suite 200
Oakland, CA 94607
Telephone: (510) 906-4900
ljudge@nortonlaw.com

Attorneys for Movant Marc Cohodes

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served on January 17, 2024 via United States First Class Mail, and via electronic mail, on the respondent as follows:

Eric David
Brooks, Pierce, McClendon, Humphrey & Leonard, LLP
P.O. Box 1800
Raleigh, NC 27602
Email: edavid@brookspierce.com
Attorneys for Respondent Roddy Boyd

and that the foregoing was also served via United States First Class mail, or First Class Mail International where indicated, on January 17, 2024 on the following parties to the California Litigation:

James W. Christian
Christian Attar
2302 Fannin, Suite 500
Houston, Texas 77002
Email: JChristian@christianattarlaw.com
Attorneys for Daniel Guy

Gustavo Lage
Sanchez-Medina, Gonzalez, Quesada, Lage, Gomez & Machado, LLP
201 Alhambra Circle, Suite 1205
Coral Gables, FL 33134
Email: GLage@smgqlaw.com
Attorneys for Derrick Snowdy

Ashley Fickel
Dykema Gossett
444 South Flower Street, Suite 2200
Los Angeles, California 90071
Email: AFickel@dykema.com
Attorneys for MiMedx Group, Inc.

Harrington Global Opportunity Fund (**Via First Class Mail International**)
Clarendon House
2 Church Street
Hamilton HM 11, Bermuda

This the 17th day of January, 2024.

/s/ George F. Sanderson III

George F. Sanderson III

N.C. Bar No. 33055

THE SANDERSON LAW FIRM PLLC

P.O. Box 6130

Raleigh, NC 27628

Telephone: (984) 867-9300

george@georgesandersonlaw.com